

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *g* D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

BARRY MCPHERSON,

Plaintiff,

v.

No. 03-2006 B

FEDERAL EXPRESS CORPORATION,

Defendant.

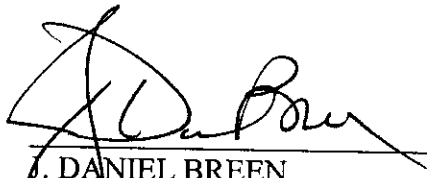
ORDER PERMITTING PLAINTIFF TO FILE REBUTTAL BRIEF,
ALLOWING PLAINTIFF TO RESPOND TO DEFENDANT'S REPLY TO
PREVIOUSLY FILED REBUTTAL BRIEF, DENYING PLAINTIFF'S REQUEST
TO STRIKE DEFENDANT'S REPLY TO REBUTTAL BRIEF AND
PROHIBITING FUTURE FILINGS CONCERNING DEFENDANT'S PENDING
MOTION FOR SUMMARY JUDGMENT

On September 15, 2005, the Plaintiff, Barry McPherson, filed a rebuttal brief in response to a reply brief filed by the Defendant, Federal Express Corporation, with respect to its motion for summary judgment. The Local Rules of this district do not provide for the filing of responsive pleadings beyond the initial response absent leave of the Court. Prior to the filing of its reply, the Defendant sought and obtained such permission, while the Plaintiff in filing his rebuttal did not. As a consequence, the Court, in an order entered September 23, 2005, struck the rebuttal brief from the record. The same day, the Defendant filed a reply to the Plaintiff's rebuttal -- regretfully without seeking permission to do so.

In motions filed September 28 and October 4, 2005, the Plaintiff seeks leave of the Court to file the rebuttal originally stricken from the record and for leave to respond to the Defendant's reply to the rebuttal, or have it stricken from the record. In reviewing these motions, the Court notes that

the latter of the two contains no certificate of consultation, as is required by the Local Rules. See LR7.2(a)(1)(B). Nonetheless, the motions are GRANTED and the parties' submissions stand as filed. However, the parties are admonished that future filings will be held to strict compliance with the Local Rules and no future responses/replies/rebuttals will be allowed concerning the pending motion for summary judgment.

IT IS SO ORDERED this 18th day of October, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 45 in case 2:03-CV-02006 was distributed by fax, mail, or direct printing on October 19, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT